



City of Somerville  
**ZONING BOARD OF APPEALS**  
City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**AUGUST 3, 2022 MEETING MINUTES**

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Anne Brockelman	Member	<i>Present</i>	
Ann Fullerton	Member	<i>Present</i>	
Katherine Garavaglia	Member	<i>Present</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning), Andrew Graminski (Planning, Preservation, & Zoning), Sarah White (Planning, Preservation, & Zoning), Raisa Sania (Planning, Preservation, & Zoning)

The meeting was called to order at 6:00pm and adjourned at 7:52pm.

**OTHER BUSINESS: Election of Clerk**

Chair Fontano congratulated Acting-Clerk Garavaglia on her induction as a full member and asked for nominations for Clerk. Acting-Clerk Garavaglia noted that she has not yet been sworn in as a full member of the Board but will hopefully do so in September.

Chair Fontano rescinded her request for nominations and continued the Election of the Clerk to 7 September 2022.

**GENERAL BUSINESS: Meeting Minutes**

Following a motion by Acting-Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (4-0) to approve the minutes from 1 June 2022.

**PUBLIC HEARING: 14 Sycamore Street (P&Z 21-176)**

*(continued from 13 July 2022)*

The applicant team described how they are seeking relief for the sum of the side setback requirements so that they can add a driveway to their property as they are getting older, that they have received a signed easement agreement from the abutting neighbor, and that several neighbors have signed a petition to show their support of the proposal. They also shared the proposed plans and how they are addressing the Green Score requirements. The applicant team reviewed the hardship variance criteria.

Chair Fontano opened public testimony.

Andy Caul (16 Sycamore St) – stated that he supports the application. He believes it would be beneficial for the neighborhood, particularly when it snows, as the owners would be able to park on the property rather than at the nearby school. It would be easier for the city to plow and safer for the neighborhood overall. He also stated that all the other properties in the neighborhood have driveways and that allowing the driveway would support the city's goals.

Chair Fontano closed public testimony.

The Board and applicant team discussed the use of permeable pavers, that this is a unique lot as it is one of the only parcels in the neighborhood without a driveway, and because they are nearing retirement age it is getting increasingly harder for them to park on the street far away from their house. The applicant team explained that they did try to get a driveway constructed years ago, but their abutting neighbor would not agree to the necessary easement. Now that they have new neighbors, they were able to obtain an easement agreement and move forward with their proposal.

The Board and applicant team discussed the setbacks needed, the setbacks of the adjacent properties, and how those nearby properties have existing driveways facilitated by easements. The applicant team stated that this is one of only a few houses in the area without a driveway or garage.

Staff reviewed the submitted documents with the Board.

The Board discussed the hardship criteria and that they would like to add a condition to incorporate permeable pavers into the design. The applicant team agreed to have the condition added to the approval. Staff confirmed that they will work to draft the condition language regarding permeable pavers.

Following a motion by Acting-Clerk Garavaglia, seconded by Member Fullerton, the Board voted unanimously (4-0) to approve the Hardship Variance, with the condition discussed this evening.

**RESULT:**

**APPROVED**

### **PUBLIC HEARING: 9-11 Aldersey Street (P&Z 22-090)**

Staff reviewed the background of the case, noting that it goes back nearly 20 years when it was heard by the Zoning Board of Appeals (ZBA) and a few years later by the Historic Preservation Commission (HPC). The case went to court and ultimately the city lost both the ZBA and HPC-related cases and appeals. The judge in the ZBA case determined that the applicant met the conditions to receive a Special Permit with Site plan Review (SPSR) under the old zoning code. There is now a new owner, and they have made some minor changes to the exterior of the buildings, primarily the architectural details. Staff stated that Buildings A and C are under review tonight for the proposed aesthetic changes and that the changes were already approved from an HPC perspective. Staff also noted that although the changes were minor, they were numerous enough to receive review by the ZBA.

The applicant team started by clarifying that they were not involved in the concluded lawsuit. They went on to present the original elevations, what is currently being built, the original building's aesthetic, and how the windows were changed to compare with the original aesthetic and to simplify the construction of the interior. They also reviewed the difference in the grading and how that has impacted the design details.

The Board asked Staff if they are comfortable with the changes. Staff explained that they have worked with the applicant team on the details and are pleased with how the design has turned out.

Chair Fontano opened public testimony.

Julie Schneider (14 Aldersey St) – stated that she missed the initial review of the changes and asked if the height will be increased.

The applicant team stated that the height is based on the average grade and will be staying the same, but the average grade is now being shown more accurately. They reviewed the slope of the ground as it relates to Building

C, and how the two portions of the building have heights that are more similar to each other than what was originally presented.

Ms. Schneider asked if the heights will be the same as seen from the sidewalk.

The applicant team stated that they are not going to be any higher, and that the main change is the windows.

Ms. Schneider stated that the current building is just a shell, and she noted that it is painful to see the building go as it has such historic significance. She also stated that she hopes the developer will be leaving the trees on site.

The applicant team noted that they have won Historic Preservation awards and shared a project they have completed at 132 Perkins Street in Somerville as an example. They also confirmed that there will be no change to the massing or the setbacks.

Frank Valdes (44 Walnut St) – stated that there are unclear components between the drawings being shown and what is currently being built. Mr. Valdes asked to see how the average medium grade was calculated, as there is a mathematical formula that is supposed to be used that is stated in the building code. He noted that currently there is a large pile of dirt in the backyard of this property, which means the earth is being moved around. Mr. Valdes also noted that the current plans are now showing windows and wells in the basement of Building C that were not previously shown.

The applicant team stated that the civil engineer calculated the existing average grade, which is documented in the civil drawings, and that number will be used to establish the final grade. They also noted that basement windows were added to both Building A and C, which did not appear in the original design. However, they are shown in the updated proposal.

Chair Fontano closed public testimony.

The Board and Staff discussed the below grade egress windows that are now shown on the plans.

Following a motion by Acting-Clerk Garavaglia, seconded by Member Fullerton, the Board voted unanimously (4-0) to approve the plan revisions under ZBA 2003-25, with the conditions outlined in the Staff Memo.

**RESULT:**

**APPROVED WITH CONDITIONS**

### **PUBLIC HEARING: 120-132 Middlesex Ave (P&Z 22-056)**

The applicant team explained that their Hardship Variance for a civic space was issued in 2020, it was a 2- year variance because they requested an extension, the variance expired in May 2022, and they are asking for the variance to be re-issued.

The applicant team stated that the parcel is a unique and interesting shape which makes it difficult to develop a lab/research space, due to the 25% civic space requirement. The city does not want a civic space so close to a highway and the team believes the issuance of the variance would be consistent with city planning efforts.

Chair Fontano opened public testimony.

Maria Marshall (23 Cobalt Sky, Irvine, CA) – stated that she works for the company that owns the property at 96 Middlesex Ave. Ms. Marshall agreed that this is not a suitable spot for a civic space considering it is next to a highway; the civic space would be better suited to an area far away from I-93.

Chair Fontano closed public testimony.

The Board, applicant team, and Staff discussed the development covenant whereby the previous owner and applicant agreed to a condition to provide an off-site civic space.

Staff confirmed that the applicant team is requesting a new hardship variance that is exactly the same as the one previously issued; MPSP 2020-003.

Following a motion by Acting-Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (4-0) to approve the Hardship Variance and relief from the 25% of the development site to be provided as civic space in the Assembly Square Mixed-Use district, with the conditions outlined in the Staff Memo.

**RESULT:**

**APPROVED**

### **OTHER BUSINESS: Amendment of Submittal Requirements**

Staff provided an update on the changes made to the Submittal Requirements Manual. Staff will update the Manual administratively and as different concerns arise – i.e., zoning amendments. Staff addressed backyard cottages and the potential approval from the City Council to eliminate the Site Plan Approval process for backyard cottages, which would effectively require an amendment to the Manual. Staff requested that the Board provide any further feedback and approve this manual this evening.

The Board acknowledged how much work went into the creation of this manual and thanked Staff for their hard work.

Following a motion by Acting-Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (4-0) to approve the Submittal Requirements Manual.

**RESULT:**

**APPROVED**

*NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. To review a full recording, please contact the Planning, Preservation & Zoning Division at [planning@somervillema.gov](mailto:planning@somervillema.gov).*